

# HOUSE BILL 476

R5, R1, L2

2lr1419  
CF SB 306

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By: **Delegates Hammen, McHale, and Clippinger (By Request – Baltimore City Administration) and Delegates Anderson, Branch, Conaway, Glenn, Haynes, McIntosh, Mitchell, Oaks, B. Robinson, Rosenberg, Stukes, Tarrant, and Washington**

Introduced and read first time: February 2, 2012

Assigned to: Environmental Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2012

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Baltimore City – Vehicle Height Monitoring Systems**

3 FOR the purpose of authorizing and establishing requirements for the use of certain  
4 vehicle height monitoring systems in Baltimore City to enforce certain State  
5 and local laws restricting ~~vehicle height~~ the presence of certain vehicles during  
6 certain times; establishing that a ~~vehicle height~~ the presence of certain vehicles  
7 during certain times monitoring system may be used under this Act only if its  
8 use is authorized by an ordinance adopted by the Baltimore City Council;  
9 requiring Baltimore City to conduct a certain analysis and obtain a certain  
10 approval before it places a vehicle height monitoring system at a particular  
11 location; requiring Baltimore City to take certain steps related to notice before  
12 activating a vehicle height monitoring system; providing that certain persons  
13 recorded by a vehicle height monitoring system while operating a motor vehicle  
14 or a combination of vehicles in violation of a State or local law restricting  
15 ~~vehicle height~~ the presence of certain vehicles during certain times are subject  
16 to certain penalties; establishing a certain maximum ~~fine~~ fine ~~for a violation~~  
17 violations of law enforced by means of a vehicle height monitoring system under  
18 this Act; requiring the District Court to prescribe a certain citation form and a  
19 civil penalty to be indicated on the citation; requiring the Baltimore City Police  
20 Department or the Baltimore City Department of Transportation to mail a  
21 citation to the owner of a motor vehicle recorded by a vehicle height monitoring  
22 system under certain circumstances; requiring a citation to include certain

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 information; ~~authorizing~~ requiring the sending of a warning instead of a citation  
 2 for a first violation under this Act; requiring a citation to be mailed within  
 3 certain a period of time; authorizing a person who receives a citation under this  
 4 Act to pay the civil penalty in a certain manner or to elect to stand trial in the  
 5 District Court; providing for the admissibility and use of certain evidence;  
 6 authorizing a person receiving citations to have a certain vehicle height  
 7 monitoring system operator be present and testify at trial; establishing the  
 8 standard of proof in a trial for a violation of law enforced by a vehicle height  
 9 monitoring system under this Act; establishing defenses that the District Court  
 10 may consider; requiring a person to submit a certain proof in order to  
 11 demonstrate a certain defense; prohibiting imposition of liability under this Act  
 12 from being considered for certain purposes; requiring the Chief Judge of the  
 13 District Court, in consultation with the Baltimore City Police Department, to  
 14 adopt certain procedures; requiring the Baltimore City Police Department or  
 15 the Baltimore City Department of Transportation, or a designated contractor, to  
 16 administer citations issued under this Act in coordination with the District  
 17 Court; prohibiting the fee of a contractor who operates a vehicle height  
 18 monitoring system on behalf of Baltimore City to be contingent on the number  
 19 of citations issued or paid; modifying the jurisdiction of the District Court to  
 20 include certain proceedings; providing for the handling of certain court costs  
 21 and penalties; prohibiting the custodian of recorded images produced by a  
 22 vehicle height monitoring system from allowing inspection of the recorded  
 23 images, subject to certain exceptions; restricting and providing for the use of  
 24 certain revenues generated by this Act; defining certain terms; making a  
 25 stylistic change; and generally relating to imposing liability on certain owners of  
 26 motor vehicles recorded while being operated in violation of a State or local law  
 27 restricting ~~vehicle height~~ the presence of certain vehicles during certain times.

28 BY repealing and reenacting, with amendments,  
 29 Article – Courts and Judicial Proceedings  
 30 Section 4–401(13), 7–301(a), 7–302(e), and 10–311  
 31 Annotated Code of Maryland  
 32 (2006 Replacement Volume and 2011 Supplement)

33 BY repealing and reenacting, with amendments,  
 34 Article – Insurance  
 35 Section 11–215(e) and 11–318(e)  
 36 Annotated Code of Maryland  
 37 (2011 Replacement Volume)

38 BY repealing and reenacting, with amendments,  
 39 Article – State Government  
 40 Section 10–616(o)  
 41 Annotated Code of Maryland  
 42 (2009 Replacement Volume and 2011 Supplement)

43 BY adding to

1 Article – Transportation  
2 Section 24–111.3  
3 Annotated Code of Maryland  
4 (2009 Replacement Volume and 2011 Supplement)

5 BY repealing and reenacting, with amendments,  
6 Article – Transportation  
7 Section 26–401  
8 Annotated Code of Maryland  
9 (2009 Replacement Volume and 2011 Supplement)

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
11 MARYLAND, That the Laws of Maryland read as follows:

12 **Article – Courts and Judicial Proceedings**

13 4–401.

14 Except as provided in § 4–402 of this subtitle, and subject to the venue  
15 provisions of Title 6 of this article, the District Court has exclusive original civil  
16 jurisdiction in:

17 (13) A proceeding for a civil infraction under § 21–202.1,  
18 § 21–704.1, § 21–706.1, § 21–809, [or] § 21–810, **OR § 24–111.3** of the Transportation  
19 Article or § 10–112 of the Criminal Law Article;

20 7–301.

21 (a) (1) Except as provided in paragraphs (2) and (3) of this subsection, the  
22 court costs in a traffic case, including parking and impounding cases, cases under  
23 § 21–202.1, § 21–809, [or] § 21–810, **OR § 24–111.3** of the Transportation Article in  
24 which costs are imposed, and cases under § 10–112 of the Criminal Law Article in  
25 which costs are imposed:

26 (i) Are \$22.50 plus the surcharge under subsection (f) of this  
27 section; and

28 (ii) Shall also be applicable to those cases in which the  
29 defendant elects to waive the defendant’s right to trial and pay the fine or penalty  
30 deposit established by the Chief Judge of the District Court by administrative  
31 regulation.

32 (2) In an uncontested case under § 21–202.1, § 21–809, [or] § 21–810,  
33 **OR § 24–111.3** of the Transportation Article, an uncontested case under § 10–112 of  
34 the Criminal Law Article, or an uncontested parking or impounding case in which the  
35 fines are paid directly to a political subdivision or municipality, costs are \$2.00, which  
36 costs shall be paid to and retained by the political subdivision or municipality.

1           (3) (i) In an uncontested case in which the fine is paid directly to  
2 an agency of State government authorized by law to regulate parking of motor  
3 vehicles, the court costs are \$2.00.

4           (ii) The fine and the costs under this paragraph shall be paid to  
5 the agency, which shall receive and account for these funds as in all other cases  
6 involving sums due the State through a State agency.

7 7-302.

8           (e) (1) A citation issued pursuant to § 21-202.1, § 21-706.1, § 21-809, [or]  
9 § 21-810, **OR § 24-111.3** of the Transportation Article shall provide that the person  
10 receiving the citation may elect to stand trial by notifying the issuing agency of the  
11 person's intention to stand trial at least 5 days prior to the date of payment as set  
12 forth in the citation. On receipt of the notice to stand trial, the agency shall forward to  
13 the District Court having venue a copy of the citation and a copy of the notice from the  
14 person who received the citation indicating the person's intention to stand trial. On  
15 receipt thereof, the District Court shall schedule the case for trial and notify the  
16 defendant of the trial date under procedures adopted by the Chief Judge of the District  
17 Court.

18           (2) A citation issued as the result of a **VEHICLE HEIGHT**  
19 **MONITORING SYSTEM**, A traffic control signal monitoring system, or A speed  
20 monitoring system, including a work zone speed control system, controlled by a  
21 political subdivision or a school bus monitoring camera shall provide that, in an  
22 uncontested case, the penalty shall be paid directly to that political subdivision. A  
23 citation issued as the result of a traffic control signal monitoring system or a work  
24 zone speed control system controlled by a State agency, or as a result of a **VEHICLE**  
25 **HEIGHT MONITORING SYSTEM**, A traffic control signal monitoring system, a speed  
26 monitoring system, or a school bus monitoring camera in a case contested in District  
27 Court, shall provide that the penalty shall be paid directly to the District Court.

28           (3) Civil penalties resulting from citations issued using a **VEHICLE**  
29 **HEIGHT MONITORING SYSTEM**, traffic control signal monitoring system, speed  
30 monitoring system, work zone speed control system, or school bus monitoring camera  
31 that are collected by the District Court shall be collected in accordance with subsection  
32 (a) of this section and distributed in accordance with § 12-118 of the Transportation  
33 Article.

34           (4) (i) From the fines collected by a political subdivision as a result  
35 of violations enforced by speed monitoring systems or school bus monitoring cameras,  
36 a political subdivision:

37                     1. May recover the costs of implementing and  
38 administering the speed monitoring systems or school bus monitoring cameras; and

1                   2.     Subject to subparagraph (ii) of this paragraph, may  
2 spend any remaining balance solely for public safety purposes, including pedestrian  
3 safety programs.

4                   (ii)   1.     For any fiscal year, if the balance remaining from the  
5 fines collected by a political subdivision as a result of violations enforced by speed  
6 monitoring systems, after the costs of implementing and administering the systems  
7 are recovered in accordance with subparagraph (i)1 of this paragraph, is greater than  
8 10% of the total revenues of the political subdivision for the fiscal year, the political  
9 subdivision shall remit any funds that exceed 10% of the total revenues to the  
10 Comptroller.

11                   2.     The Comptroller shall deposit any money remitted  
12 under this subparagraph to the General Fund of the State.

13                   **(5) FROM THE FINES COLLECTED BY BALTIMORE CITY AS A**  
14 **RESULT OF VIOLATIONS ENFORCED BY VEHICLE HEIGHT MONITORING SYSTEMS,**  
15 **BALTIMORE CITY MAY:**

16                   **(I) RECOVER THE COSTS OF IMPLEMENTING AND**  
17 **ADMINISTERING THE VEHICLE HEIGHT MONITORING SYSTEMS; AND**

18                   **(II) SPEND THE REMAINING BALANCE SOLELY ON ROADWAY**  
19 **IMPROVEMENTS.**

20 10-311.

21                   (a)    A recorded image of a motor vehicle produced by a traffic control signal  
22 monitoring system in accordance with § 21-202.1 of the Transportation Article is  
23 admissible in a proceeding concerning a civil citation issued under that section for a  
24 violation of § 21-202(h) of the Transportation Article without authentication.

25                   (b)    A recorded image of a motor vehicle produced by a speed monitoring  
26 system in accordance with § 21-809 or § 21-810 of the Transportation Article is  
27 admissible in a proceeding concerning a civil citation issued under that section for a  
28 violation of Title 21, Subtitle 8 of the Transportation Article without authentication.

29                   (c)    A recorded image of a motor vehicle produced by a school bus monitoring  
30 camera in accordance with § 21-706.1 of the Transportation Article is admissible in a  
31 proceeding concerning a civil citation issued under that section for a violation of  
32 § 21-706 of the Transportation Article without authentication.

33                   (d)    **A RECORDED IMAGE OF A MOTOR VEHICLE PRODUCED BY A**  
34 **VEHICLE HEIGHT MONITORING SYSTEM IN ACCORDANCE WITH § 24-111.3 OF**  
35 **THE TRANSPORTATION ARTICLE IS ADMISSIBLE IN A PROCEEDING**

1 **CONCERNING A CIVIL CITATION ISSUED UNDER THAT SECTION FOR A VIOLATION**  
 2 **OF A STATE OR LOCAL LAW RESTRICTING ~~VEHICLE HEIGHT~~ THE PRESENCE OF**  
 3 **CERTAIN VEHICLES DURING CERTAIN TIMES WITHOUT AUTHENTICATION.**

4 (E) In any other judicial proceeding, a recorded image produced by a  
 5 **VEHICLE HEIGHT MONITORING SYSTEM**, traffic control signal monitoring system,  
 6 speed monitoring system, work zone speed control system, or school bus monitoring  
 7 camera is admissible as otherwise provided by law.

8 **Article – Insurance**

9 11–215.

10 (e) For purposes of reclassifying an insured in a classification that entails a  
 11 higher premium, an insurer under an automobile insurance policy may not consider a  
 12 probation before judgment disposition of a motor vehicle law offense, a civil penalty  
 13 imposed pursuant to § 21–202.1, § 21–809, [or] § 21–810, **OR § 24–111.3** of the  
 14 Transportation Article, or a first offense of driving with an alcohol concentration of  
 15 0.08 or more under § 16–205.1 of the Transportation Article on record with the Motor  
 16 Vehicle Administration, as provided in § 16–117(b) of the Transportation Article.

17 11–318.

18 (e) For purposes of reclassifying an insured in a classification that entails a  
 19 higher premium, an insurer under an automobile insurance policy may not consider a  
 20 probation before judgment disposition of a motor vehicle law offense, a civil penalty  
 21 imposed pursuant to § 21–202.1, § 21–809, [or] § 21–810, **OR § 24–111.3** of the  
 22 Transportation Article, or a first offense of driving with an alcohol concentration of  
 23 0.08 or more under § 16–205.1 of the Transportation Article on record with the Motor  
 24 Vehicle Administration, as provided in § 16–117(b) of the Transportation Article.

25 **Article – State Government**

26 10–616.

27 (o) (1) In this subsection, “recorded images” has the meaning stated in  
 28 § 21–202.1, § 21–809, [or] § 21–810, **OR § 24–111.3** of the Transportation Article.

29 (2) Except as provided in paragraph (3) of this subsection, a custodian  
 30 of recorded images produced by a traffic control signal monitoring system operated  
 31 under § 21–202.1 of the Transportation Article, a speed monitoring system operated  
 32 under § 21–809 of the Transportation Article, [or] a work zone speed control system  
 33 operated under § 21–810 of the Transportation Article, **OR A VEHICLE HEIGHT**  
 34 **MONITORING SYSTEM OPERATED UNDER § 24–111.3 OF THE TRANSPORTATION**  
 35 **ARTICLE** shall deny inspection of the recorded images.

- 1           (3) A custodian shall allow inspection of recorded images:
- 2                   (i) as required in § 21–202.1, § 21–809, [or] § 21–810, OR
- 3 **§ 24–111.3** of the Transportation Article;
- 4                   (ii) by any person issued a citation under § 21–202.1, § 21–809,
- 5 [or] § 21–810, OR **§ 24–111.3** of the Transportation Article, or an attorney of record
- 6 for the person; or
- 7                   (iii) by an employee or agent of an agency in an investigation or
- 8 proceeding relating to the imposition of or indemnification from civil liability pursuant
- 9 to § 21–202.1, § 21–809, [or] § 21–810, OR **§ 24–111.3** of the Transportation Article.

10                                   **Article – Transportation**

11 **24–111.3.**

12           **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**

13 **MEANINGS INDICATED.**

14                   **(2) “OWNER” MEANS THE REGISTERED OWNER OF A MOTOR**

15 **VEHICLE.**

16                   **(3) “RECORDED IMAGE” MEANS AN IMAGE RECORDED BY A**

17 **VEHICLE HEIGHT MONITORING SYSTEM:**

18                           **(I) ON:**

- 19                                   1. **A PHOTOGRAPH;**
- 20                                   2. **A MICROPHOTOGRAPH;**
- 21                                   3. **AN ELECTRONIC IMAGE;**
- 22                                   4. **VIDEOTAPE; OR**
- 23                                   5. **ANY OTHER MEDIUM; AND**

24                           **(II) SHOWING:**

- 25                                   1. **THE FRONT OR SIDE OF A MOTOR VEHICLE OR**
- 26 **COMBINATION OF VEHICLES;**
- 27                                   2. **AT LEAST TWO TIME–STAMPED IMAGES OF THE**
- 28 **MOTOR VEHICLE OR COMBINATION OF VEHICLES THAT INCLUDE THE SAME**

1 STATIONARY OBJECT NEAR THE MOTOR VEHICLE OR COMBINATION OF  
2 VEHICLES; AND

3 3. ON AT LEAST ONE IMAGE OR PORTION OF TAPE, A  
4 CLEAR AND LEGIBLE IDENTIFICATION OF:

5 ~~A. THE THE~~ ENTIRE REGISTRATION PLATE NUMBER  
6 OF THE MOTOR VEHICLE; ~~OR~~

7 ~~B. THE UNITED STATES DEPARTMENT OF~~  
8 ~~TRANSPORTATION NUMBER OF THE MOTOR VEHICLE IN ITS ENTIRETY.~~

9 (4) "VEHICLE HEIGHT MONITORING SYSTEM" MEANS A DEVICE  
10 WITH ONE OR MORE MOTOR VEHICLE SENSORS THAT IS CAPABLE OF  
11 PRODUCING RECORDED IMAGES OF VEHICLES WHOSE HEIGHT EXCEEDS A  
12 PREDETERMINED LIMIT.

13 (B) (1) A VEHICLE HEIGHT MONITORING SYSTEM MAY BE USED TO  
14 RECORD IMAGES OF VEHICLES TRAVELING ON A HIGHWAY IN BALTIMORE CITY  
15 UNDER THIS SECTION ONLY IF THE USE OF VEHICLE HEIGHT MONITORING  
16 SYSTEMS IS AUTHORIZED BY AN ORDINANCE ADOPTED BY THE BALTIMORE CITY  
17 COUNCIL AFTER REASONABLE NOTICE AND A PUBLIC HEARING.

18 (2) BEFORE BALTIMORE CITY PLACES OR INSTALLS A VEHICLE  
19 HEIGHT MONITORING SYSTEM AT A PARTICULAR LOCATION, IT SHALL:

20 (I) CONDUCT AN ANALYSIS TO DETERMINE THE  
21 APPROPRIATENESS OF THE LOCATION; AND

22 (II) OBTAIN THE APPROVAL OF THE BALTIMORE CITY  
23 POLICE COMMISSIONER OR THE COMMISSIONER'S DESIGNEE.

24 (3) BEFORE ACTIVATING A VEHICLE HEIGHT MONITORING  
25 SYSTEM, BALTIMORE CITY SHALL:

26 (I) PUBLISH NOTICE OF THE LOCATION OF THE VEHICLE  
27 HEIGHT MONITORING SYSTEM ON ITS WEB SITE AND IN A NEWSPAPER OF  
28 GENERAL CIRCULATION IN THE JURISDICTION;

29 (II) ENSURE THAT ALL SIGNS STATING ~~HEIGHT AND WEIGHT~~  
30 ~~LIMITATIONS~~ RESTRICTIONS ON THE PRESENCE OF CERTAIN VEHICLES DURING  
31 CERTAIN TIMES APPROACHING AND WITHIN THE SEGMENT OF HIGHWAY ON  
32 WHICH THE VEHICLE HEIGHT MONITORING SYSTEM IS LOCATED INCLUDE SIGNS  
33 THAT:

1                   1.     ARE IN ACCORDANCE WITH THE MANUAL AND  
2 SPECIFICATIONS FOR A UNIFORM SYSTEM OF TRAFFIC CONTROL DEVICES  
3 ADOPTED BY THE STATE HIGHWAY ADMINISTRATION UNDER § 25-104 OF THIS  
4 ARTICLE; AND

5                   2.     INDICATE THAT A VEHICLE HEIGHT MONITORING  
6 SYSTEM IS IN USE.

7           (C)    A VEHICLE HEIGHT MONITORING SYSTEM OPERATOR SHALL FILL  
8 OUT AND SIGN A DAILY SET-UP LOG FOR A VEHICLE HEIGHT MONITORING  
9 SYSTEM THAT:

10                   (1)   STATES THAT THE OPERATOR SUCCESSFULLY PERFORMED  
11 THE MANUFACTURER-SPECIFIED SELF-TEST OF THE VEHICLE HEIGHT  
12 MONITORING SYSTEM BEFORE PRODUCING A RECORDED IMAGE;

13                   (2)   SHALL BE KEPT ON FILE; AND

14                   (3)   SHALL BE ADMITTED AS EVIDENCE IN ANY COURT  
15 PROCEEDING FOR A VIOLATION OF THIS SECTION.

16           (D)   (1)   UNLESS THE DRIVER OF THE MOTOR VEHICLE OR  
17 COMBINATION OF VEHICLES RECEIVED A CITATION FROM A POLICE OFFICER AT  
18 THE TIME OF THE VIOLATION, THE OWNER OF A MOTOR VEHICLE OR  
19 COMBINATION OF VEHICLES IS SUBJECT TO A CIVIL PENALTY IF THE MOTOR  
20 VEHICLE OR COMBINATION OF VEHICLES IS RECORDED BY A VEHICLE HEIGHT  
21 MONITORING SYSTEM WHILE BEING OPERATED IN VIOLATION OF A STATE OR  
22 LOCAL LAW RESTRICTING ~~VEHICLE HEIGHT~~ THE PRESENCE OF CERTAIN  
23 VEHICLES DURING CERTAIN TIMES.

24                   (2)   A CIVIL PENALTY UNDER THIS SUBSECTION MAY NOT EXCEED:

25                            (i)   FOR A SECOND VIOLATION BY THE OWNER OF THE  
26 MOTOR VEHICLE, \$250; AND

27                            (ii) FOR A THIRD OR SUBSEQUENT VIOLATION BY THE  
28 OWNER OF THE MOTOR VEHICLE, \$500.

29                   (3)   FOR PURPOSES OF THIS SECTION, THE DISTRICT COURT  
30 SHALL PRESCRIBE:

1 (I) A UNIFORM CITATION FORM CONSISTENT WITH  
2 SUBSECTION (D)(1) OF THIS SECTION AND § 7-302 OF THE COURTS ARTICLE;  
3 AND

4 (II) A CIVIL PENALTY, WHICH SHALL BE INDICATED ON THE  
5 CITATION, TO BE PAID BY PERSONS WHO CHOOSE TO PREPAY THE CIVIL  
6 PENALTY WITHOUT APPEARING IN DISTRICT COURT.

7 (E) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPHS (2) AND (3) OF  
8 THIS SUBSECTION, THE BALTIMORE CITY POLICE DEPARTMENT OR THE  
9 BALTIMORE CITY DEPARTMENT OF TRANSPORTATION SHALL MAIL TO AN  
10 OWNER LIABLE UNDER THIS SECTION A CITATION THAT SHALL INCLUDE:

11 (I) THE NAME AND ADDRESS OF THE REGISTERED OWNER  
12 OF THE MOTOR VEHICLE;

13 (II) THE REGISTRATION NUMBER ~~OR THE UNITED STATES~~  
14 ~~DEPARTMENT OF TRANSPORTATION NUMBER~~ OF THE MOTOR VEHICLE  
15 INVOLVED IN THE VIOLATION;

16 (III) THE VIOLATION CHARGED;

17 (IV) THE LOCATION AT WHICH THE VIOLATION OCCURRED;

18 (V) THE DATE AND TIME OF THE VIOLATION;

19 (VI) A COPY OF THE RECORDED IMAGE;

20 (VII) THE AMOUNT OF THE CIVIL PENALTY IMPOSED AND THE  
21 DATE BY WHICH THE CIVIL PENALTY SHOULD BE PAID;

22 (VIII) A SIGNED STATEMENT BY A DULY AUTHORIZED LAW  
23 ENFORCEMENT OFFICER COMMISSIONED BY THE BALTIMORE CITY POLICE  
24 DEPARTMENT THAT, BASED ON INSPECTION OF THE RECORDED IMAGE, THE  
25 MOTOR VEHICLE OR COMBINATION OF VEHICLES WAS BEING OPERATED IN  
26 VIOLATION OF A STATE OR LOCAL LAW RESTRICTING ~~VEHICLE HEIGHT~~ THE  
27 PRESENCE OF CERTAIN VEHICLES DURING CERTAIN TIMES;

28 (IX) A STATEMENT THAT THE RECORDED IMAGE IS  
29 EVIDENCE OF THE VIOLATION;

30 (X) INFORMATION ADVISING THE OWNER ALLEGED TO BE  
31 LIABLE UNDER THIS SECTION OF THE MANNER AND TIME IN WHICH LIABILITY

1 AS ALLEGED IN THE CITATION MAY BE CONTESTED IN THE DISTRICT COURT;  
2 AND

3 (XI) INFORMATION ADVISING THE OWNER ALLEGED TO BE  
4 LIABLE UNDER THIS SECTION THAT FAILURE TO PAY THE CIVIL PENALTY OR TO  
5 CONTEST LIABILITY IN A TIMELY MANNER IS AN ADMISSION OF LIABILITY.

6 (2) THE BALTIMORE CITY POLICE DEPARTMENT OR THE  
7 BALTIMORE CITY DEPARTMENT OF TRANSPORTATION ~~MAY~~ SHALL, FOR A FIRST  
8 VIOLATION, MAIL A WARNING NOTICE INSTEAD OF A CITATION TO AN OWNER  
9 LIABLE UNDER THIS SECTION.

10 (3) A CITATION ISSUED UNDER THIS SECTION SHALL BE MAILED  
11 NO LATER THAN 30 DAYS AFTER THE ALLEGED VIOLATION.

12 (4) A PERSON WHO RECEIVES A CITATION UNDER THIS SECTION  
13 MAY:

14 (I) PAY THE CIVIL PENALTY, IN ACCORDANCE WITH  
15 INSTRUCTIONS ON THE CITATION, DIRECTLY TO BALTIMORE CITY; OR

16 (II) ELECT TO STAND TRIAL IN THE DISTRICT COURT FOR  
17 THE ALLEGED VIOLATION.

18 (F) (1) A CERTIFICATE ALLEGING THAT A VIOLATION OF A STATE OR  
19 LOCAL LAW RESTRICTING ~~VEHICLE HEIGHT~~ THE PRESENCE OF CERTAIN  
20 VEHICLES DURING CERTAIN TIMES OCCURRED AND THAT THE REQUIREMENTS  
21 UNDER SUBSECTIONS (B) AND (C) OF THIS SECTION HAVE BEEN AFFIRMED BY A  
22 DULY AUTHORIZED LAW ENFORCEMENT OFFICER COMMISSIONED BY THE  
23 BALTIMORE CITY POLICE DEPARTMENT, BASED ON INSPECTION OF THE  
24 RECORDED IMAGE PRODUCED BY THE VEHICLE HEIGHT MONITORING SYSTEM,  
25 SHALL BE:

26 (I) EVIDENCE OF THE FACTS CONTAINED IN THE  
27 CERTIFICATE; AND

28 (II) ADMISSIBLE IN A PROCEEDING ALLEGING A VIOLATION  
29 UNDER THIS SECTION WITHOUT THE PRESENCE OR TESTIMONY OF THE VEHICLE  
30 HEIGHT MONITORING SYSTEM OPERATOR.

31 (2) IF A PERSON WHO RECEIVED A CITATION UNDER THIS  
32 SECTION DESIRES THE VEHICLE HEIGHT MONITORING SYSTEM OPERATOR TO  
33 BE PRESENT AND TESTIFY AT TRIAL, THE PERSON SHALL NOTIFY THE COURT  
34 AND THE STATE IN WRITING NO LATER THAN 20 DAYS BEFORE TRIAL.

1           **(3) ADJUDICATION OF LIABILITY SHALL BE BASED ON A**  
2 **PREPONDERANCE OF EVIDENCE.**

3           **(G) (1) THE DISTRICT COURT MAY CONSIDER IN DEFENSE OF A**  
4 **VIOLATION:**

5                   **(I) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,**  
6 **THAT THE MOTOR VEHICLE OR THE REGISTRATION PLATES OF THE MOTOR**  
7 **VEHICLE WERE STOLEN BEFORE THE VIOLATION OCCURRED AND WERE NOT**  
8 **UNDER THE CONTROL OR POSSESSION OF THE OWNER AT THE TIME OF THE**  
9 **VIOLATION; AND**

10                   **(II) ANY OTHER ISSUES AND EVIDENCE THAT THE DISTRICT**  
11 **COURT DEEMS PERTINENT.**

12                   **(2) TO DEMONSTRATE THAT THE MOTOR VEHICLE OR THE**  
13 **REGISTRATION PLATES WERE STOLEN BEFORE THE VIOLATION OCCURRED AND**  
14 **WERE NOT UNDER THE CONTROL OR POSSESSION OF THE OWNER AT THE TIME**  
15 **OF THE VIOLATION, THE OWNER SHALL SUBMIT PROOF THAT A POLICE REPORT**  
16 **REGARDING THE STOLEN MOTOR VEHICLE OR REGISTRATION PLATES WAS**  
17 **FILED IN A TIMELY MANNER.**

18           **(H) A VIOLATION FOR WHICH A CIVIL PENALTY IS IMPOSED UNDER THIS**  
19 **SECTION:**

20                   **(1) IS NOT A MOVING VIOLATION FOR THE PURPOSE OF**  
21 **ASSESSING POINTS UNDER § 16-402 OF THIS ARTICLE;**

22                   **(2) MAY NOT BE RECORDED BY THE ADMINISTRATION ON THE**  
23 **DRIVING RECORD OF THE OWNER OF THE VEHICLE;**

24                   **(3) MAY NOT BE TREATED AS A PARKING VIOLATION FOR**  
25 **PURPOSES OF § 26-305 OF THIS ARTICLE; AND**

26                   **(4) MAY NOT BE CONSIDERED IN THE PROVISION OF MOTOR**  
27 **VEHICLE INSURANCE COVERAGE.**

28           **(I) IN CONSULTATION WITH THE BALTIMORE CITY POLICE**  
29 **DEPARTMENT, THE CHIEF JUDGE OF THE DISTRICT COURT SHALL ADOPT**  
30 **PROCEDURES FOR THE ISSUANCE OF CITATIONS, THE TRIAL OF CIVIL**  
31 **VIOLATIONS, AND THE COLLECTION OF CIVIL PENALTIES UNDER THIS SECTION.**

1           **(J) (1) THE BALTIMORE CITY POLICE DEPARTMENT OR THE**  
 2 **BALTIMORE CITY DEPARTMENT OF TRANSPORTATION, OR A CONTRACTOR**  
 3 **DESIGNATED BY THE BALTIMORE CITY POLICE DEPARTMENT OR THE**  
 4 **BALTIMORE CITY DEPARTMENT OF TRANSPORTATION, SHALL ADMINISTER**  
 5 **AND PROCESS CIVIL CITATIONS ISSUED UNDER THIS SECTION IN COORDINATION**  
 6 **WITH THE DISTRICT COURT.**

7           **(2) IF A CONTRACTOR OPERATES A VEHICLE HEIGHT**  
 8 **MONITORING SYSTEM ON BEHALF OF BALTIMORE CITY, THE CONTRACTOR'S**  
 9 **FEE MAY NOT BE CONTINGENT ON THE NUMBER OF CITATIONS ISSUED OR PAID.**

10 26-401.

11           If a person is taken before a District Court commissioner or is given a traffic  
 12 citation or a civil citation under § 21-202.1, § 21-809, [or] § 21-810, **OR § 24-111.3** of  
 13 this article containing a notice to appear in court, the commissioner or court shall be  
 14 one that sits within the county in which the offense allegedly was committed.

15           **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**  
 16 **October 1, 2012.**

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.